



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,948	02/19/2002	John M. Haltmeyer	HALTMAYER-PA-2	3414
7590	05/23/2007		EXAMINER	
Leonard Bloom Senior Counsel Armstrong, Kratz, Quintos, Hanson & Brooks, LLP 502 Washington Avenue, Suite 220 Towson, MD 21204			HO, THOMAS M	
			ART UNIT	PAPER NUMBER
			2132	
			MAIL DATE	DELIVERY MODE
			05/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RECEIVED

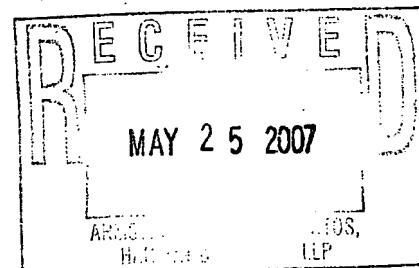
JUN 11 2007

OFFICE OF PETITIONS

RECEIVED

JUN 8 2007

TECHNOLOGY CENTER R3700



RECEIVED

JUN 11 2007



## Notice of Abandonment

Application No.

10/076,948

Applicant(s)

HALTMEYER, JOHN M.

OFFICE OF PETITIONS

Examiner

Thomas M. Ho

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 05 October 2005.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

See Continuation Sheet

*Gilberto Barron Jr.*  
 GILBERTO BARRON JR  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: A non-final rejection was sent out 10/05/2005. A notice of appeal was received on 4/03/2006. The Examiner notes that under 35 USC 134 and 37 CFR 41.31, an applicant may appeal an application, any of whose claims have been twice rejected. The first action non-final rejection of 10/05/05 was only the first rejection of the claims however. Thus Applicant's notice of appeal was improper. Additionally, no appeal brief was sent out to follow up on the notice of appeal of 4/03/06. A proper response to the non-final rejection of 10/05/05 was due on 1/05/06. No response has been received since that time. Attempts to contact Leonard Bloom at (410) 337- 2295 were unsucessful. .

**Interview Summary**

Application No.

10/076,948

Applicant(s)

HALTMAYER, JOHN M.

Examiner

Thomas M. Ho

Art Unit

2132

All participants (applicant, applicant's representative, PTO personnel):

(1) Thomas M. Ho

(3) \_\_\_\_\_

(2) Attorney Gamson

(4) \_\_\_\_\_

**RECEIVED**

JUN 11 2007

**OFFICE OF PETITIONS**Date of Interview: 18 April 2007.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: N/A.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required \_\_\_\_\_

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Gamson, Attorney # 32986 at (410)-337-2296 contacted the Examiner in regards to the status of this case. The Examiner reviewed the case and found the following:

- 1) Non-final rejection was mailed out, 10/05/05
- 2) Notice of Abandonment was written up by the Examiner on 12/31/2006 but for some reason, the abandonment was not recorded to the prosecution record.
- 3) A communication from Applicant's representative was received indicating a change in power of Attorney, and the simultaneous transmission of a notice of appeal and an amendment to the claims with arguments presented on 4/3/06 in response to the first action Non-final rejection of 10/05/05.

The Examiner has informed Mr. Gamson he will resend out a notice of abandonment. At this point if the Applicant desires to submit a petition to revive, he/she may do so.